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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Paul F. Soares

PLAINTIFF.

vs.

East KY Excavation, Inc.; Rheo LLC; and  
DOES 1-5

DEFENDANTS.

CASE 21-cv-04527-SVK

NOTICE OF MOTION AND  
MOTION FOR CHANGE OF VENUE

U.S. Code Title 28 Section 1406(a)

NO HEARING REQUESTED.

(See DE 24, DE 29)

Plaintiff requests that the Court transfer venue of this case to the *Western District of Kentucky* in Louisville, KY. The Court has authority as provided in 28 USC Section 1406(a) *as an alternative to dismissal for lack of personal jurisdiction*:

(a)"...The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, **or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought...**" (emphasis added)

1. See DE 29 at page 1, lines 22-24, "Order denying Plaintiff's Motion for Default Judgment," which orders in relevant part:

"...if Plaintiff fails to show that the Court has personal jurisdiction over the Defendants..."

2. **Plaintiff cannot establish that either Defendant had or has any business activity in the**

1 **State** of California that meets the requirements of either personal or general jurisdiction that this  
2 Court would have over the Defendants.

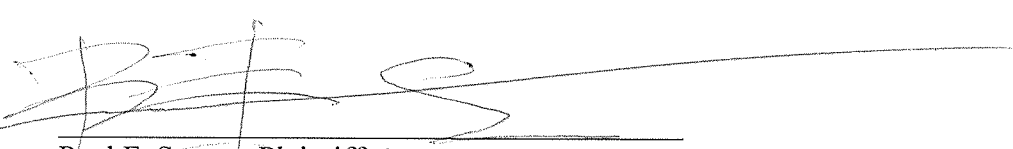
3 3. With a change of venue to the federal court in Louisville, KY, the Court there will have  
4 personal jurisdiction over the Defendants and this case can proceed to its conclusion without a  
5 dismissal.  
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7 4. Plaintiff has been diligent in pursuing its claims, and so should not suffer the severe  
8 penalty of dismissal, and transfer would not prejudice the defendants, who would be able to  
9 defend the action in their home court.

10 5. Defendants have done nothing to cooperate with the Clerk of this Court nor the Court,  
11 itself. Defendants have every right to defend themselves and respect the Court while doing so, but  
12 they have chosen no such actions.  
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14 WHEREFORE, Plaintiff requests that the Court provide Order that the venue in this case be  
15 moved to the Western District of Kentucky in Louisville, Commonwealth of Kentucky.  
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19 November 1, 2021  
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22 Paul F. Soares, Plaintiff, *in pro se*  
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